

Remarks

Claims 1-40 are pending in the subject application. By this Amendment, Applicants have amended claims 1-3, 5-17, 20-25, and 29-34 and added new claims 41-52. Support for the amendments and new claims can be found throughout the subject specification, including at page 8, lines 15-25, and in the claims as originally filed. Entry and consideration of the amendments and new claims presented herein is respectfully requested. Accordingly, claims 1-52 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

The Office Action indicates that no Information Disclosure Statement (IDS) appears to have been filed. Applicants note that an IDS for the subject application was facsimile transmitted to the Patent Office on April 1, 2002. Attached with this Amendment is a copy of the IDS, along with a copy of the transmission report indicating that the facsimile sent to the Patent Office. Accordingly, Applicants respectfully request that the Examiner consider and make of record the IDS in the next communication from the Patent Office.

The Examiner has indicated that the title of the invention is not descriptive and that a new title is required that is clearly indicative of the invention to which the claims are directed. Applicants have amended the title of the invention to "Nucleic Acids and Vectors Encoding Human Defensin Polypeptide and Applications Thereof." Accordingly, reconsideration and withdrawal of this objection is respectfully requested.

The application is objected to on the grounds that the subject specification fails to comply with the requirements of 37 CFR 1.821(d). Specifically, the Examiner indicates that sequences are shown on page 22 of the subject specification without including corresponding SEQ ID NOs. By this Amendment, Applicants have amended the subject specification to include the SEQ ID NO: for the sequences shown at page 22. In addition, a Submission of Sequence Listing Under §1.821, including a replacement sequence listing on paper and a computer readable format is attached. Reconsideration and withdrawal of the objection is respectfully requested.

The claims are objected to because of informalities. Specifically, the Patent Office has objected to the inconsistent format for reciting a SEQ ID NO. Applicants have amended the claims to indicate "SEQ ID NO:". Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claims 1, 3-7, 15-18, 23, 25, 26, 28, 29, 31-35, 37, 38, and 40 are rejected under 35 U.S.C. §112, second paragraph, as indefinite. Applicants respectfully assert that the claims as filed are definite. However, in accordance with the Examiner's suggestions, the claims have been amended. Specifically, claims 1, 3, 23, 25, 29, 31, 32, and 34 have been amended to recite "wherein said polynucleotide encodes a polypeptide that". In addition, claims 32 and 33 have been amended to replace the word "the" with "a" before the words "vector" and "polynucleotide." Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claims 1-40 are provisionally rejected under 35 U.S.C. §101 as claiming the same invention of claims 1-40 of co-pending application 10/013,770. Applicants respectfully assert that the claims in the co-pending '770 application have been canceled; thereby rendering this rejection moot. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Frank C. Eisenschenk, Ph.D.

Patent Attorney

Registration No. 45,332

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: 2421 N.W. 41st Street, Suite A-1  
Gainesville, FL 32606-6669

FCE/sl

Attachments: Copy of Information Disclosure Statement dated April 1, 2002; Submission of Sequence Listing Under §1.821; New pages 1-24 (Sequence Listing) of the subject specification.